

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGANNE MILES, by her mother KRYSTAL  
TITUS; OLIVIA MILES, by her mother KRYSTAL  
TITUS; PASCALLE MOSSIN, by her mother  
AMY MARGARET MCCUTCIN; THEO CHAN,  
by his father SUNNY CHAN, LEAH CHAN,  
by her father, SUNNY CHAN,

08-CV-0432

MOTION TO ADMIT COUNSEL  
PRO HAC VICE

Plaintiffs,

- against -

MICHAEL O. LEAVITT, Secretary, United States  
Department of Health and Human Services

Defendant,

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the  
Southern and Eastern Districts of New York, I, Elisabeth Benjamin, a member in good standing of  
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Gill W. Deford  
Firm Name: Center for Medicare Advocacy, Inc.  
Address: P.O. Box 350  
City/State/Zip: Willimantic, CT 06226  
Phone Number: (860) 456-7790  
Fax Number: (860) 456-2614

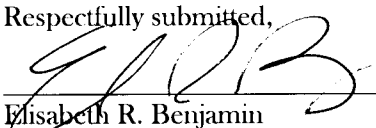
Mr. Deford is a member in good standing of the Bar of the States of

Massachusetts, District of Columbia, Connecticut, and California (voluntarily inactive).

There are no pending disciplinary proceeding against Mr. Deford in any State or Federal court.

Dated: February 21, 2008  
City, State: New York, NY

Respectfully submitted,

  
Elisabeth R. Benjamin  
SDNY Bar EB-0652

Firm Name: Community Service Society of New York  
Address: 105 East 22<sup>nd</sup> St., 2<sup>nd</sup> Floor  
City/State/Zip: New York, NY 10010  
Phone Number: (212) 614-5461  
Fax Number: (212) 260-6218

## UNITED STATES DISTRICT COURT

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08-CV-0432

AFFIDAVIT OF  
ELISABETH BENJAMIN  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE

Plaintiffs,

- against -

MICHAEL O. LEAVITT, Secretary, United States  
Department of Health and Human Services

Defendant,

State of New York     )  
                                  )     ss:  
County of New York    )

Elisabeth Benjamin, being duly sworn, hereby deposes and say as follows:

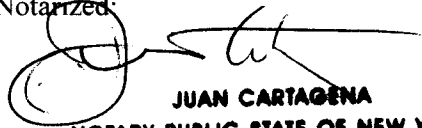
1. I am an attorney at the Community Service Society, counsel for Plaintiffs in the above captioned. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Gill W. Deford as counsel pro hac vice to represent Plaintiffs in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1992. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this court.
3. I have known Gill W. Deford since 2007.
4. Mr. Deford is the Director of Litigation at the Center for Medicare Advocacy, Inc., with offices in Willimantic, Conn. and Washington, D.C.
5. I have found Mr. Deford to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Gill W. Deford, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Gill W. Deford, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Gill W. Deford, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

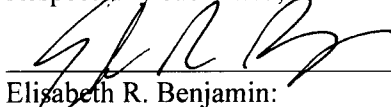
Dated: February 21, 2008

City, State: New York, NY

Notarized:

  
**JUAN CARTAGENA**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02CA4767698  
Qualified in New York County  
My Commission Expires June 30, 2010

Respectfully submitted,

  
Elisabeth R. Benjamin:

SDNY Bar Code: EB-0652



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

GILL W. DEFORD

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was on the 7<sup>th</sup> day of August, 1998  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
February 4, 2008.

GARLAND PINKSTON, JR., CLERK

By: *[Signature]*  
Deputy Clerk

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

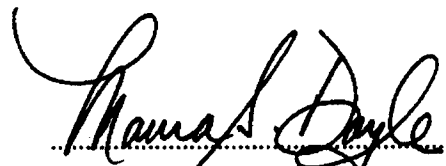
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **twenty-third** day of **May** A.D. **1975**, said Court being the highest Court of Record in said Commonwealth:

Gill Deford

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **first** day of **February** in the year of our Lord **two thousand and eight**.



  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

February 7, 2008

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, GILL WYLIE DEFORD, #068320 was admitted to the practice of law in this state by the Supreme Court of California on April 28, 1976; that from the date of admission to January 24, 1994, he was an ACTIVE member of the State Bar of California; that on January 24, 1994, he transferred at his request to the INACTIVE status as of January 1, 1994; that he has been since that date, and is at date hereof, an INACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

NOTE: Only ACTIVE members of the State Bar of California are entitled to practice law in California. (See Sections 6006 and 6125, et seq., Business and Professions Code.)



**State of Connecticut**  
**Supreme Court**

*I, Michèle T. Angers, Chief Clerk of the Supreme Court of the State of Connecticut and keeper of the Seal thereof,*

Do hereby certify that, in the Superior Court at **Tolland**  
on the **eighteenth**, day of **December**  
**1999**

**Gill Deford**

*of*

**Cambridge, Massachusetts**

*having been examined and found duly qualified, was sworn as an attorney and admitted to practice before all the courts of this state, and that said attorney is a member in good standing of the Bar of this State pursuant to Practice Book §2-65.*

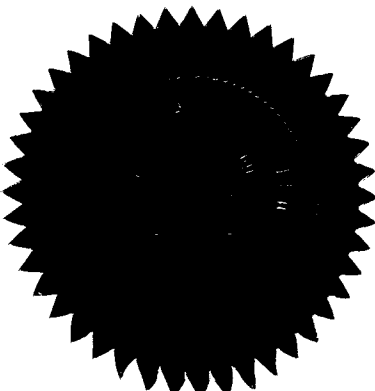
*In Testimony Whereof, I have hereunto set my hand and affix  
the Seal of the Supreme Court of the State of Connecticut, at  
Hartford, this* **first** *day of*

**February**, **2008**

A handwritten signature in cursive script that reads "Michèle T. Angers".

**Michèle T. Angers**

*Chief Clerk*



# Exhibit A

**UNITED STATES DISTRICT COURT****SOUTHERN DISTRICT OF NEW YORK**

MORGANNE MILES, by her mother KRYSTAL  
TITUS; OLIVIA MILES, by her mother KRYSTAL  
TITUS; PASCALLE MOSSIN, by her mother  
AMY MARGARET MCCUTCIN; THEO CHAN,  
by his father SUNNY CHAN, LEAH CHAN,  
by her father, SUNNY CHAN,

08-CV-0432

Plaintiffs,

– against –

MICHAEL O. LEAVITT, Secretary, United States  
Department of Health and Human Services

Defendant,

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Elisabeth Benjamin, attorney for all Plaintiffs, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Gill W. Deford  
Firm Name: Center for Medicare Advocacy, Inc.  
Address: P.O. Box 350  
City/State/Zip: Willimantic, CT 06226  
Telephone/Fax: (860)456-7790 / (860)456-2614  
Email Address: [gdeford@medicareadvocacy.org](mailto:gdeford@medicareadvocacy.org)

is admitted to practice pro hac vice as counsel for all Plaintiffs in the above captioned case in the United States District for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

City, State:

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United States District/Magistrate Judge



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TITUS; OLIVIA MILES, by her mother KRYSTAL  
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AMY MARGARET MCCUTCIN; THEO CHAN,  
by his father SUNNY CHAN; LEAH CHAN,  
by her father, SUNNY CHAN,

08-CV-0432

Plaintiffs,

v.

MICHAEL O. LEAVITT, Secretary, United States  
Department of Health and Human Services,

Defendant.

---

**DECLARATION OF MAIL SERVICE**

I, ELISABETH R. BENJAMIN, declare under penalty of perjury pursuant to 28  
U.S.C. § 1746, that the following is true and correct.

I declare that I am an attorney with the Community Service Society of New York,  
105 East 22<sup>nd</sup> Street, New York, NY 10010. On the date given below, I served by U.S.  
Mail the person/entity identified below a true copy of the attached Motion Pro Hac Vice  
Admission of Gill Deford in this action.

DATE OF SERVICE: February 21, 2008

PLACE OF SERVICES: 86 Chambers Street, New York, New York 10007

PERSON/ENTITY TO WHOM SERVED:

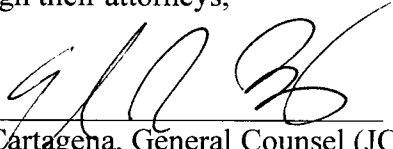
Serrin Turner, United States Attorney, Attorney for Defendant Leavitt.

Dated: New York, NY  
February 21, 2008

Respectfully submitted,

MORGANNE MILES, by her mother KRYSTAL TITUS; OLIVIA MILES, by her mother KRYSTAL TITUS; PASCALE MOSSIN, by her mother AMY MARGARET MCCUTCIN; THEO CHAN, by his father SUNNY CHAN; LEAH CHAN, by her father, SUNNY CHAN,

Through their attorneys,



Juan Cartagena, General Counsel (JC-5087)  
Elisabeth Ryden Benjamin (EB-0652)  
Michelle Light\*  
Community Service Society of New York  
105 East 22nd St., 2nd Floor  
New York, NY 10010  
(212) 614-5461

Bryan D. Hetherington (BH-8363)  
Trilby de Jung  
Empire Justice Center  
One West Main Street, Suite 200  
Rochester, NY 14614  
(585) 454-4060

Jane Perkins\*  
National Health Law Program  
211 N. Columbia Street  
Chapel Hill, NC 27154  
(919) 968-6308 (x102)

Gill Deford  
Center for Medicare Advocacy  
PO Box 350  
Willimantic, CT 06226  
(860) 456-2614

\* Not admitted in the Southern District of New York

TO: Serrin Turner  
U.S. Attorney for the Southern District of New York  
Civil Division

86 Chambers Street  
New York, NY 10007